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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11  
12 In the Matter of the Statement of Issues  
Against:

Case No. *2010-274*

13 **CRYSTAL CRAWFORD**  
14 **8648 Turlock Drive**  
**Riverside, CA 92504**

**STATEMENT OF ISSUES**

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16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
21 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about June 22, 2009, the Board of Registered Nursing, Department of  
24 Consumer Affairs received an application for a Registered Nurse License from Crystal Crawford  
25 (Respondent). On or about May 25, 2009, Crystal Crawford certified under penalty of perjury to  
26 the truthfulness of all statements, answers, and representations in the application. The Board  
27 denied the application on July 22, 2009.

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## STATUTORY PROVISIONS

3. This Statement of Issues is brought before the Board of Registered Nursing, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2736 of the Business and Professions Code provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of no lo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of Section 1203.4 of the penal Code.

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

1 (f) Conviction of a felony or of any offense substantially related to the  
2 qualifications, functions, and duties of a registered nurse, in which event the  
3 record of conviction shall be conclusive evidence thereof.

4 7. Section 2762 of the Code states:

5 In addition to other acts constituting unprofessional conduct within the  
6 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct  
7 for a person licensed under this chapter to do any of the following:

8 (b) Use any controlled substance as defined in Division 10 (commencing  
9 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
10 dangerous device as defined in Section 4022, or alcoholic beverages, to an  
11 extent or in a manner dangerous or injurious to himself or herself, any other  
12 person, or the public or to the extent that such use impairs his or her ability to  
13 conduct with safety to the public the practice authorized by his or her license.

14 8. Section 493 of the Code states:

15 Notwithstanding any other provision of law, in a proceeding conducted by a  
16 board within the department pursuant to law to deny an application for a license  
17 or to suspend or revoke a license or otherwise take disciplinary action against a  
18 person who holds a license, upon the ground that the applicant or the licensee  
19 has been convicted of a crime substantially related to the qualifications,  
20 functions, and duties of the licensee in question, the record of conviction of the  
21 crime shall be conclusive evidence of the fact that the conviction occurred, but  
22 only of that fact, and the board may inquire into the circumstances surrounding  
23 the commission of the crime in order to fix the degree of discipline or to  
24 determine if the conviction is substantially related to the qualifications,  
25 functions, and duties of the licensee in question.

26 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'  
27 and 'registration.'

28 Each board under the provisions of this code shall develop criteria to evaluate  
the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

1 Each board shall take into account all competent evidence of rehabilitation  
2 furnished by the applicant or licensee.

3 10. Title 16, California Code of Regulations, section 1444, states:  
4

5 A conviction or act shall be considered substantially related to the  
6 qualifications, functions or duties of a registered nurse if to a substantially degree  
7 it evidences the present or potential unfitness of a registered nurse to practice in a  
8 manner consistent with public health, safety, or welfare. Such convictions shall  
9 include, but not be limited to the following:

10 11. Title 16, California Code of Regulations, section 1445, states:  
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12 (a) When considering the denial of a license under Section 480 of the code,  
13 the board in evaluating the rehabilitation of the applicant and her present  
14 eligibility for a license will consider the following criteria:

15 (1) The nature and severity of the act(s) or crime(s) under consideration as  
16 grounds for denial.

17 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)  
18 under consideration as grounds for denial which also could be considered as  
19 grounds for denial under Section 480 of the code.

20 (3) The time that has elapsed since commission of the act(s) or crime(s)  
21 referred to in subdivision (1) or (2).

22 (4) The extent to which the applicant has complied with any terms of parole,  
23 probation, restitution, or any sanctions lawfully imposed against the applicant.

24 (5) Evidence, if any, of rehabilitation submitted by the applicant.  
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12. On or about March 8, 2008, a Redlands Police Officer observed Respondent drive her  
vehicle out of parking lot and onto the wrong side of the roadway, traveling against traffic for  
approximately fifty yards. Respondent then drove her vehicle across a double yellow line and  
onto the right side of the road. The officer initiated a traffic stop. Respondent admitted that she  
was driving home from a bar where she recently had been drinking alcoholic beverages with

1 friends. Respondent was unable to perform the field sobriety tests as instructed by the officer.  
2 Respondent refused to cooperate fully with a breath test as instructed by the officer. Respondent  
3 was then placed under arrested and transported to jail. A blood sample was taken from  
4 Respondent at the jail. Analysis of Respondent's blood sample indicated that her blood alcohol  
5 content was 0.22 percent.

6 13. On or about May 19, 2008, in a criminal proceeding entitled *People of the State of*  
7 *California v. Crystal Marie Crawford*, in San Bernardino County Superior Court, case number  
8 TSB801427, Respondent was convicted on her plea of no lo contendere to violating Vehicle Code  
9 section 23152, subdivision (a), driving under the influence of alcohol, and Vehicle Code section  
10 23152, subsection (b), driving with a blood alcohol content of over .08 percent, both  
11 misdemeanors. Pronouncement of judgment in the criminal proceedings against Respondent was  
12 ordered withheld and Respondent was placed on probation for three years on the following terms  
13 and conditions: obey all laws; complete a 9-month county approved alcohol program; restricted  
14 driver's license privileges; and, pay fines.

#### 15 FIRST CAUSE FOR DENIAL OF APPLICATION

16 (May 19, 2008, Conviction for Driving Under the Influence of Alcohol on March 8, 2008)

17 14. Respondent's application is subject to denial under Code sections 480,  
18 subsection (a) (1), and 2761 subsection (f), in that Respondent was convicted of a crime  
19 substantially related to the qualifications, functions and duties of a licensed registered nurse as  
20 described above in paragraph 12 and 13, which are incorporated herein by reference.

#### 22 SECOND CAUSE FOR DENIAL OF APPLICATION

23 (Unprofessional Conduct-Driving Under the Influence of Alcohol on March 8, 2008)

24 15. Respondent's application is subject to denial under Code sections 480,  
25 subsection (a) (3), 2761, subsection (a), and 2762, subsection (b), in that Respondent engaged in  
26 unprofessional conduct which, if done by a licensed registered nurse, would be grounds for  
27 suspension or revocation of licensure, in that Respondent drove a motor vehicle while  
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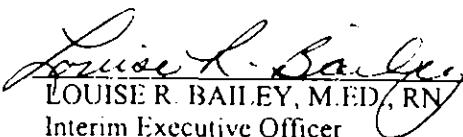
1 under the influence of alcohol and while her blood alcohol content was approximately 0.22  
2 percent, as described above in paragraph, 12 and 13 which are incorporated herein by reference.

3  
4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
6 and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Denying the application of Crystal Crawford for a Registered Nurse License;  
8 2. Taking such other and further action as deemed necessary and proper.

9  
10 DATED: 11-24-09

  
LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant